



Commonwealth  
of Massachusetts

## *OCPF Online*

*www.state.ma.us/ocpf*

*Office of Campaign and Political Finance  
One Ashburton Place, Room 411  
Boston, MA 02108*

---

### Advisory Opinion

May 16, 2002  
AO-02-23

Melissa Kogut, Executive Director  
Mass NARAL  
41 Winter Street, Suite 65  
Boston, MA 02108-4722

Re: Membership Communications

Dear Ms. Kogut:

This letter is in response to your April 3 request for an opinion regarding permissible political activity by Mass NARAL, a 501(c)(4) non-profit organization.

You have correctly stated that costs arising from communications between Mass NARAL and its members are not deemed to be contributions or expenditures for the purposes of the Massachusetts campaign finance law, M.G.L. c. 55. Generally speaking, you consider “members” to be those individuals who have either paid dues or volunteered their time to the organization. Among other things, Mass NARAL members receive a quarterly newsletter and other information from the organization, as well as invitations to the annual meeting.

Over the past two years, Mass NARAL has developed an e-mail list of supporters, which is called the “Choice Action Network.” Individuals must subscribe to this list, but do not pay dues. In return, they receive two or more communications a month from Mass NARAL, containing information and requests for their volunteer involvement. You would also like to send “Choice Action Network” participants your newsletter, which might contain political endorsements, via e-mail.

#### QUESTION

Are expenditures made by Mass NARAL to communicate with subscribers who participate in the “Choice Action Network” deemed to be “contributions” or “expenditures” for the purposes of the campaign finance law?

RESPONSE

No. Just as with traditional members of Mass NARAL, communications between the organization and participants in the “Choice Action Network” would not be subject to the campaign finance law.

Section one of the campaign finance law states, “Notwithstanding any other provisions of this chapter, communications from a membership organization ...to its members and their families on any subject shall not be deemed to be a contribution or expenditure.” Any organization, other than a political committee or corporation, that identifies the individuals within the organization as members qualifies as a “membership organization.” See 970 CMR 2.02. This office has advised that, in order to be considered a “member” of such a group, an individual must take some sort of affirmative action to become affiliated with the group, such as the payment of dues or requesting to be included on the membership list. See AO-97-09.

Based on the information you have provided, individuals must subscribe to the “Citizens Action Network” in order to receive certain invitations and periodic information from Mass NARAL. This affirmative action is sufficient to establish the subscribers as “members” of Mass NARAL for the purposes of the campaign finance law even though there may be, according to the organization’s internal structure, a second tier of membership requiring a service commitment or the payment of dues. Consequently, M.G.L. c. 55, § 1 would exempt communications between Mass NARAL and the “Citizens Action Network” from campaign finance regulation or disclosure.

This opinion is issued within the context of the Massachusetts campaign finance law and is provided solely on the basis of representations in your letter.

Please contact us if you have further questions.

Sincerely,

A handwritten signature in cursive script, reading "Michael J. Sullivan", followed by a vertical line.

Michael J. Sullivan  
Director

MJS/bp